

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHNNY D. PENNINGTON)	
)	
COMPLAINANT)	
)	
V.)	CASE NO.
)	2015-00260
)	
KENTUCKY POWER COMPANY)	
)	
DEFENDANT)	

ORDER

On September 29, 2015, Defendant, Kentucky Power Company (“Kentucky Power”), filed a motion to dismiss the complaint of Johnny D. Pennington (“Complainant”) or, alternatively, for summary judgment. By Order entered on February 18, 2016, the Commission denied the motion and established a procedural schedule. The procedural schedule required that requests for information be filed no later than February 25, 2016, and responses to the requests be filed no later than March 10, 2016.

Pursuant to the procedural schedule, Kentucky Power submitted requests for information to Complainant on February 24, 2016. Commission Staff issued requests for information to Complainant and Kentucky Power on February 25, 2016. In accordance with the procedural schedule, Kentucky Power filed its responses to Commission Staff’s requests for information on March 10, 2016. Complainant did not file responses to the requests for information of either Kentucky Power or Commission Staff by the deadline established by the procedural schedule.

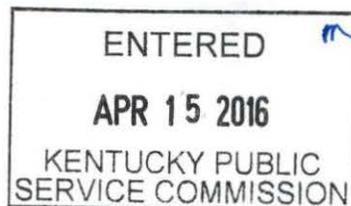
By Order entered on March 30, 2016, we noted Complainant's failure to comply with the procedural schedule established by the Commission in its Order entered on February 18, 2016. We also ordered Complainant to file responses to Kentucky Power's and Commission Staff's requests for information within ten days of the March 30, 2016 Order, and found that if he failed to do so, his complaint should be dismissed with prejudice for failure to prosecute this matter and for failure to comply with this Order.

Complainant has still not filed any responses to the requests for information of Kentucky Power and Commission Staff, nor has he filed any response to our March 30, 2016 Order. Based on a review of the record and being otherwise sufficiently advised, the Commission finds that Complainant's complaint should be dismissed with prejudice for failure to prosecute this matter and for failure to comply with this Order.

IT IS THEREFORE ORDERED that:

1. Complainant's Complaint is dismissed with prejudice.
2. This matter is closed and removed from the Commission's docket.

By the Commission



ATTEST:


Acting Executive Director

Johnny D Pennington
736 Hager Branch
East Point, KENTUCKY 41216

Johnny D Pennington
P.O. Box 152
Meally, KENTUCKY 41234

Johnny D Pennington
876 Buffalo Road
Meally, KENTUCKY 41234

*Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

*Kentucky Power Company
Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

*Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634